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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,596	06/18/2001	Akimasa Fleshler	BEA920010006US1	3370
49474	7590	08/14/2006	EXAMINER	
LAW OFFICES OF MICHAEL DRYJA 704 228TH AVE NE #694 SAMMAMISH, WA 98074			PATEL, ASHOKKUMAR B	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/884,596

Applicant(s)

FLESHLER ET AL.

Examiner

Ashok B. Patel

Art Unit

2154

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 24 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See continuation sheet..  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

  
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SUPERVISORY PATENT EXAMINER  
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**Continuation sheet:**

**Note:** for the purposes of appeal, this communication will be entered.

**Applicant's arguments:**

"However, the mobile wireless console 1 18/120 of Barnes does not directly communicate wirelessly with the resource 108 of Barnes. without communicating through any intermediary device between the console and the resource in contradistinction to the claimed invention."

"Rather, it communicates directly wirelessly with the server 136 and/or the center 116, which conveys the communications from the console 118/120 to the resource 108."

"However, this disclosure does not say that the request is directly communicated from the mobile wireless console 118/120 to the resource 108, and therefore is inapposite at best as to the claimed invention. Indeed, Barnes makes clear earlier as to the type of communication that occurs in step 3 14, for instance, between the console 18/120 and the resource 108:.. as such this wireless communication between the console 118 and the resource 108 is not direct, but rather through an intermediary, namely the server 136 or the center 116."

**Examiner's response:**

Examiner has clearly pointed out, as follows, in the claim 1 rejection, the different architectures of the call center as taught by Barnes.

Barnes teaches at col. 9, line 9-16, "Likewise, while the call center architecture of the invention has been described in terms of functionality being distributed between a call center server, a remote supervisor server and other elements, it will be

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understood that the call center server, remote supervisor server and other elements may be combined in one computing or other resource, or be distributed amongst several other computing or other resources.”)

Also pointed out clearly in the rejection of claim 1 is “col. 3, line 42-52,” Call center network 110 in turn may be connected to a number of network resources and ports. Those resources include supervisor or agent workstations 130 and an automatic call distributor 112, such as a PBX/CENTREX.TM. installation interfaced to the public switched telephone network 128. Those resources also include a remote supervisor server 114, which communicates with the call center server 108 as well as with communications facilities, such as a wireless network server 136 and a wireless data server 138, to manage the wireless delivery of call center information.”

And, as such, the resource 108, resource 114, resource 136, resource 138 be combined in to one computing resource, and then “the console one or more mobile wireless consoles, (Fig. 1, element 120) each mobile wireless console managing the resource by directly communicating wirelessly with the resource over a wireless network in accordance with an open, common, and non-proprietary protocol such that each mobile wireless console directly communicates wirelessly with the resource over the wireless network without communicating through any intermediary device between the console and the resource” is anticipated.



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PC9-98-173



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## SIX NON-CONDUCTING (STATIC) STATES

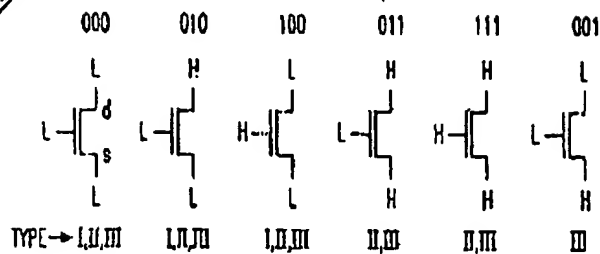


FIG.1 - PRIOR ART

## STATE TRANSITIONS

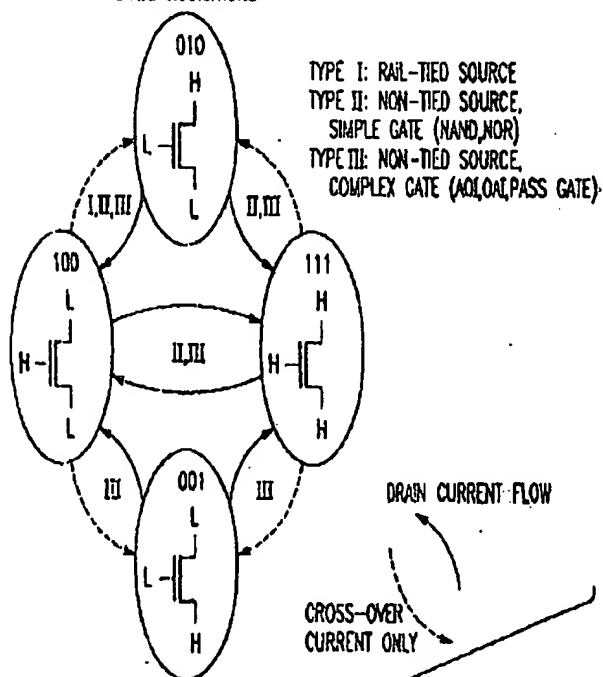


FIG.2 - PRIOR ART

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P09-98-173

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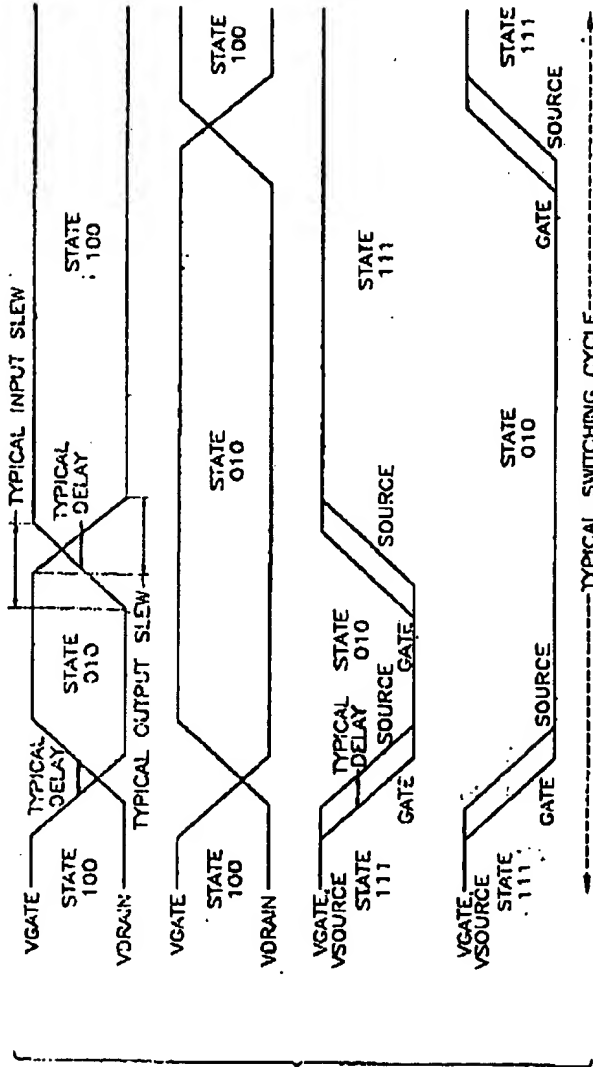


FIG. 3  
PRIOR ART